

Chapter 3 FINANCIAL ELIGIBILITY CRITERIA

3.1.0 FINANCIAL ELIGIBILITY CRITERIA

Applicants must meet both the nonfinancial and financial eligibility criteria to be considered for a W-2 employment position. However, meeting these criteria does not entitle the applicant to a W-2 employment position.

To be considered for a W-2 employment position, a Job Access Loan and certain case management services, the W-2 group's income must be at or below 115 percent of the federal poverty level (FPL). In addition, the group must have assets at or below \$2,500, excluding the combined equity value of vehicles up to \$10,000 and one home which serves as the homestead.

3.2.0 115 PERCENT GROSS INCOME TEST

If the total countable income of the W-2 group at application is less than or equal to 115 percent of the FPL for the size of the W-2 group, the group may be considered for all W-2 placements and/or a Job Access Loan. (Exception: Minor parents are eligible for case management without regard to income or assets.)

Child care has separate financial eligibility criteria. (See 15.2.0.)

| Size of W-2 Group | 115% FPL Monthly | 115% FPL Annual | Size of Family Unit | 115% FPL Monthly | 115% FPL Annual |
|-------------------------|------------------------|-----------------------|---------------------------|------------------------|--------------------|
| 1 | \$892 | \$10,707 | 10 | \$3,635 | \$43,620 |
| 2 | \$1,197 | \$14,364 | 11 | \$3,940 | \$47,277 |
| 3 | \$1,502 | \$18,021 | 12 | \$4,244 | \$50,934 |
| 4 | \$1,806 | \$21,678 | 13 | \$4,549 | \$54,591 |
| 5 | \$2,111 | \$25,335 | 14 | \$4,854 | \$58,248 |
| 6 | \$2,416 | \$28,992 | 15 | \$5,159 | \$61,905 |
| 7 | \$2,721 | \$32,649 | 16 | \$5,463 | \$65,562 |
| 8 | \$3,025 | \$36,306 | 17 | \$5,768 | \$69,219 |
| 9 | \$3,330 | \$39,963 | 18 | \$6,073 | \$72,876 |

Note: The Federal Poverty Level changes on an annual basis every February. These figures are effective April 1, 2004. The annual Federal Poverty Level for W-2 groups over 18 persons, increases by \$3,657 annually or \$305 monthly for each additional group member.

The W-2 group's income does not affect the amount of the W-2 payment. The payment amount is based solely on the employment position in which the adult is participating, not the size of the group.

3.2.1 Prospective Income Eligibility

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Available earned and unearned income is tested prospectively for W-2 eligibility, Medical Assistance (MA), and food stamps. The FEP makes a best estimate to determine what income will be received by the participant each month.

3.2.2 Estimating Income

To get the best estimate of monthly earned income for employees paid an hourly rate, FEPs must use:

(hourly rate) x (average hours/weekly) x (4.3 weeks/month) if paid on a weekly basis;

(hourly rate) x (average hours/biweekly) x (2.15 weeks/month) if paid on a biweekly basis;

Monthly amount if paid on a monthly basis (this includes self-employment and other averaged income); or

(Amount) x (2) if paid twice a month

To get the best estimate of monthly unearned income for the W-2 group, FEPs must use:

(weekly amount) x (4.3 weeks/month) if received on a weekly basis;

(biweekly amount) x (2.15 weeks/month) if received on a biweekly basis;

Monthly amount if paid on a monthly basis; or;

(amount) x (2) if paid twice a month.

If the W-2 group passes the 115 percent gross income test, no income is budgeted against the W-2 T or CSJ payment. W-2 payments are not counted in the 115 percent gross income test. The prospective income estimate must not be changed due to missed work or irregular spikes in work hours. A W-2 group must be prospectively ineligible for two consecutive months before the case closes. (For a discussion of food stamp budgeting see 18.2.1.)

3.2.3 Availability

Only income that is actually available for use may be considered. Income is available when the individual has a legal interest in it and has the legal ability to make it available for support and maintenance. Income is considered unavailable when the individual can reasonably document that it cannot be accessed for 31 or more days. Unavailability is usually documented by a letter from an agency or the source stating when the person will receive the income. Income is counted

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beginning in the first month it is received and thereafter. Until the amount and the payment date are known, the income must not be counted.

EXAMPLE: Kate has not received a child support payment for the past four months. Her ex-husband recently got a new job so she expects he will start paying again but she does not know when he will begin payments. This income must not be counted until Kate knows when she will begin receiving child support or when she actually begins to receive it, whichever is first.

A payment received must not be counted as an asset and income in the same month. Current payments must be counted as income in the month received. Any amount remaining becomes an asset in the following month.

3.2.4 Fluctuating Income

If the amount of regularly-received income varies, the W-2 agency must use an average. Income that is received on an irregular basis must also be averaged over the period between payments. If neither the amount nor the frequency is consistent or predictable, the income may only be counted for the month in which it is received.

EXAMPLE: Bob applied for W-2 services and reports that he works for a local garage between 5 and 20 hours per month. In January, he received a paycheck for \$169, in February he received \$200, and in March he received \$80. To create an average income amount, add together the three months of income ($169 + 200 + 80 = 449$), then divide the total income by the number of months ($449/3 = \$149.66$). Compare the averaged income amount of \$149.66 plus other sources of income against the 115 percent gross income test to determine financial eligibility.

3.2.5 Prorating

Income received on a yearly basis or less often may be converted to a monthly amount. The agency may count only income that is predictable in amount and frequency, such as land contract income or income from a trust fund. Count the prorated income beginning in the month it is received.

EXAMPLE: Joan receives \$900 every six months on a land contract. To calculate a monthly amount: divide the \$900 by six months and count \$150/month prorated income.

3.2.6 Changing Estimated Income

If the group's income is expected to exceed the 115 percent gross income limit for at least two consecutive months, the group is ineligible for W-2. Participants must report any change in earned or unearned income within 10 calendar days of the occurrence. The FEP must redetermine the best estimate for all income at each review, or when any change in the income's source, rate of pay, or payment schedule has been reported.

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Overpayment claims must be established only for untimely reports of changes.

3.2.7 Treatment Of Income

All earned and unearned income of all the W-2 group members is considered in determining the 115 percent gross income test unless specifically discounted by these instructions.

3.2.7.1 *Qualified Alien Deeming*

The Immigration and Naturalization Service may require certain qualified aliens who are admitted as a permanent resident alien to have a sponsor sign an affidavit of support to ensure the immigrant does not become a public charge. For some sponsored qualified aliens, if the sponsor makes income available to the alien, the sponsor's income can be considered or "deemed" to be available to the sponsored alien when determining W-2 financial eligibility for that alien.

Certain groups of aliens typically have both an agency sponsor and an individual sponsor such as a church or family member. However, these individuals and agency "sponsors" do not meet the INS definition of a sponsor because neither the agency nor individual sponsor have a legal obligation to provide financial support beyond the first month in the United States and they do not have to ensure that the alien does not become a public charge. Do not deem a sponsor's income for the following groups:

1. Aliens granted asylum (asylees) under section 208 of the Immigration and Naturalization Act (INA);
2. Refugees who are admitted to the United States under section 207 of the INA;
3. Aliens paroled into the United States (parolees) under section 212(d)(5) the INA for a period of at least one year;
4. Aliens whose deportation is being withheld under section 243(h) of the INA;
5. Amerasian Immigrants, as defined in section 584 of the Foreign Operations, Export Financing, and Related Programs Appropriations Act of 1988; and
6. Cuban-Haitian entrants.

Even if a member of one of these exempt groups obtains permanent resident alien status, he or she does not have a sponsor for deeming purposes. A qualified alien (excluding any listed above) admitted as a permanent resident must have 100% of the sponsor's gross income and that of the sponsor's spouse (regardless of whether they live together), deemed to the qualified alien to determine the alien's eligibility. The sponsor's income must be deemed until the alien:

1. Becomes a citizen.
2. Has worked for or can be credited with 40 qualifying work quarters.

A qualifying quarter includes a quarter worked by:

- The qualified alien;

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- The qualified alien's parent while the alien was under 18 years of age; including work performed prior to the minor's birth; and
- A spouse of an alien during their marriage if the alien remains married to the spouse or the spouse is deceased.

Beginning January 1, 1997, a quarter in which the alien received federal means-tested assistance is not counted as a qualifying quarter.

3.2.7.2 *Farm & Self-Employment Income*

The W-2 agency must count the gross receipts from farm and self-employment businesses. Gross receipts must not be adjusted based on expenses. Monthly farm and self-employment income must be calculated using IRS tax forms completed for the previous year or, if tax forms were not completed for the previous year, use average monthly anticipated earnings.

3.2.7.3 *Child Support Income*

Disregard regular collections of current child support, family support (combination of child support and maintenance) or child support arrears as income. Count non-regular collections of arrears as an asset. Also, continue to count maintenance payments to the custodial parent as income.

Starting July 1, 2002 all families receiving W-2 cash benefits will get 100% of their child support. This means the control group will receive a full pass through. Support owed for periods while the children received AFDC remains owed to the state and will not be passed through. However, unpaid support received after July 1, 2002 while the family received a W-2 cash payment will be passed through to the family.

3.2.7.4 *Supplemental Security Income (SSI) and Caretaker Supplement (C-Supp) Income*

The C-Supp benefits must be budgeted as the SSI parent's income. This will result in C-Supp affecting the household's food stamps, but not affecting the children's Medicaid eligibility. Treat retroactive C-Supp payments as income in the month received and any amount remaining becomes an asset in the following month.

3.2.7.5 *Disregarded Income*

The agency must not count the following income in determining the 115 percent gross income test:

1. Earned Income Credit (EIC): The agency must not count amounts received under the federal EIC and state EIC nor payments made by an employer under the federal advanced EIC.
2. Loans: Loans will be exempt as income unless available for current living expenses. If available for current living expenses, loans must be counted as assets even if there is a repayment schedule.

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- *Reverse Mortgage Loan Proceeds (1993 Wisconsin Act 88):* Payments made to a borrower must be treated as proceeds from a loan and not as income. Undisbursed funds must be treated as equity in a borrower's residence and not as proceeds from a loan.
- 3. Employment Positions and Job Access Loans: Do not count earnings from a W-2 Trial Job and do not count payments of those in Community Service Jobs and W-2 Transitions.
- 4. In-Kind Income: The W-2 agency must disregard any gain or benefit that is not in the form of money paid directly to the household such as, meals, clothing, housing and garden produce.
- 5. Vendor Payments: The W-2 agency must disregard payments made on behalf of the household by a third party to another source, such as rent paid by a community organization on the household's behalf.
- 6. Kinship Care: The W-2 agency must disregard any Kinship Care payment for the needs of a non-legally responsible relative child who is not included in the W-2 group.
- 7. Foster Care: The W-2 agency must disregard any Foster Care payments for the needs of a foster child who is not included in the W-2 group.
- 8. Earned Income of a Dependent Child: Disregard income earned by a dependent minor child or dependent 18-year old in a W-2 group.
- 9. Federally Funded Benefits: Any income or resources distributed under the following federal laws are required to be disregarded and must not be counted.
 - *Agent Orange Settlement Fund:* Disregard payments received from the Agent Orange Settlement Fund or any other fund established in settling "In Re Agent Orange product liability Settlement Fund litigation MDL No. 381 (EDNY)". Apply this disregard retroactively to 1-1-89 and continue the disregard as long as payments are identified separately.
 - *Radiation Exposure Compensation Act:* Disregard payments from any program under the Radiation Exposure Compensation Act (PL 101-426) paid to compensate injury or death resulting from exposure to radiation from nuclear testing (\$50,000) and uranium mining (\$100,000). Apply this disregard retroactively to 10-15-90. Continue the disregard as long as payments are identified separately.
 - *Nazi Persecution Victims:* Disregard as income payments under PL 103-286 to victims of Nazi persecution.
 - *Benefits for Children of Vietnam Veterans Who Are Born with Spina Bifida:* Disregard as income payments under PL 104-204 paid to any child of a Vietnam Veteran for any disability resulting from spina bifida.

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- *Benefits for Children of Vietnam Veterans Born with Birth Defects other than Spina Bifida:* Disregard as income payments received under PL 106-419 for children with birth related disabilities other than Spina Bifida who were born to women Veterans that served in Vietnam during the period 02/28/61 to 05/07/75.
- *Crime Victims Fund:* Disregard as income any amount of crime victims compensation received under section 1403 of the Victims Crime Act of 1984 (42 U.S.C. 10602). Benefits include, but are not limited to, those paid under the:
 - a. Antiterrorism and Effective Death Penalty Act of 1996
 - b. Crime Victims Compensation Program (Chapter 950, Wis. Stat.)
- *Nutrition Program Benefits:*
 - a. National School Lunch Act (PL 79-396)
 - b. Food Stamp Act of 1977 (PL 88-525)
 - c. Child Nutrition Act of 1966 (PL 89-642). This program includes the Women, Infants and Children's program (WIC).
- *Tribal Settlements:*
 - a. Indian Tribes; Sub-marginal Lands (PL 94-114)
 - b. Disbursement of Minor's Share of Judgment Funds (PL 95-433)
 - c. Lands Held in Trust for the Benefit and Use of the Pueblo of Santa Ana (PL 95-498)
 - d. Lands Held in Trust for the Benefit and Use of the Pueblo of Zia (PL 95-499)
 - e. Shoalwater Bay Indian Tribe, Dexter-by-the-Sea Claim Settlement Act (PL 98-432)
 - f. Chippewas of Lake Superior (PL 99-146)
 - g. Saginaw Chippewa Indian Tribe of Michigan Distribution of Judgment Funds (PL 99-346)
 - h. Chippewas of the Mississippi (PL 99-377)
 - i. Michigan Indian Land Claims Settlement Act (PL 105-143)
 - j. Section 707, Title VII Miccosukee Settlement (P.L. 105-83)
 - k. Mississippi Sioux Tribes Judgment Fund Distribution Act of 1998 (P.L. 105-387)
- *Miscellaneous Federal Benefits:*
 - a. Housing Act of 1949 (PL 81-171)
 - b. Older Americans Act (PL 89-73), including Title V - Community Service Employment for Older Americans
 - c. Uniform Relocation Assistance & Real Property Acquisition Policies Act of 1970 (PL 91-646)
 - d. Robert T. Stafford Disaster Relief & Emergency Act (PL 93-288)
 - e. Housing & Community Development Amendments of 1978 (PL 95-557); however, wages from the act may be counted as income.
 - f. Low Income Energy Assistance Act of 1981 (PL 97-35)
 - g. Old Age Assistance Claims Settlement Act (PL 98-500)
 - h. Job Training Partnership Act (P.L. 102-367)
 - i. State Department Refugee Resettlement Reception and Placement (R&P) grant cash income (45 CFR 400.66)

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10. Educational Aid:

- *Student Financial Aid:* Disregard any student financial aid received under any *state* program or *federal* program. This includes, but is not limited to, aid received under the Higher Education Act of 1965 (PL 89-329). This includes:
 1. Basic Educational Opportunity Grants (BEOG or PELL grants)
 2. Presidential Access Scholarships (Super PELL grants)
 3. Supplemental Educational Opportunity Grants (SEOG)
 4. State Student Incentives Grants (SSIG)
 5. Federal Direct Student Loan Program (Formerly GSL & FFELP)
 - a. Supplemental loans for students
 - b. Robert T. Stafford Student Loans
 - c. PLUS loans for parents
 - d. Federal Consolidated Loan Program
 6. Federal Work Study Funds.
 7. TRIO Grants (disadvantaged youth grants)
 - a. Upward Bound
 - b. Student Support Services
 - c. Robert E. McNair Post-Baccalaureate Achievement
 8. Robert C. Byrd Honors Scholarship Program
 9. College Assistance Migrant Program (CAMP)
 10. High School Equivalency Program (HEP)
 11. National Early Intervention Scholarship and Partnership Program
 12. Carl Perkins Loans (formerly NDSL)
 - a. Indian Vocational Education Program
 - b. Native Hawaiian Vocational Education Program
 - c. State Vocational & Applied Technology Programs which include:
 - State Program & State Leadership Activities
 - Displaced Homemakers, Single Parent and Single Pregnant Women programs
 - Sex Equity Program
 - Programs for Criminal Offenders
 - Secondary School Vocational Education Program
 - Postsecondary & Adult Vocational Education Program
 - State Assistance for Vocational Education Support Programs By Community Based Organizations
 - Consumer & Homemaking Education Program
 - Comprehensive Career Guidance & Counseling Program
 - Business-Labor-Education Partnership for Training Program
 - d. National Tech-Prep Education Program
 - e. State-administered Tech-Prep Education Program
 - f. Supplementary State Grants for Facilities & Equipment & Other Program Improvement Activities
 - g. Community Education Employment Centers Program
 - h. Vocational Education Lighthouse Schools Program

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- i. Tribally Controlled Post-secondary Vocational Institutions Program
 - j. Vocational Education Research Program
 - k. National Network for Curriculum Coordination in Vocational and Technical Education
 - l. National Center or Centers for Research in Vocational Education
 - m. Materials Development in Telecommunications Programs
 - n. Demonstration Centers for the Training of Dislocated Workers Program
 - o. Vocational Education Training and Study Grants Program
 - p. Vocational Education Leadership Development Awards Program
 - q. Vocational Educator Training Fellowships Program
 - r. Internships for Gifted and Talented Vocational Education Students Program
 - s. Business and Education Standards Program
 - t. Blue Ribbon Vocational Education Program
 - u. Educational Programs for Federal Correctional Institutions
 - v. Vocational Education Dropout Prevention Program
 - w. Model Programs of Regional Training for Skilled Trades
 - x. Demonstration Projects for the Integration of Vocational and Academic Learning Program
 - y. Cooperative Demonstration Programs
 - z. Bilingual Vocational Training Program
 - aa. Bilingual Vocational Instructor Training Program
 - bb. Bilingual Materials, Methods, and Techniques Program
- *Scholarships for tuition and books:* Disregard scholarships received for tuition and books, including scholarships from public or private organizations.

3.2.7.6 *Income With Limited Disregards*

Some income may be counted under limited circumstances:

1. Disregard AmeriCorps*VISTA income unless the VISTA agency director verifies that volunteers are receiving the equivalent of minimum wage. If the VISTA volunteer is receiving minimum wage or more, count the VISTA income in determining gross income.
2. Indian Tribal Judgment Funds Use or Distribution Act (PL 93-134): The W-2 agency must count per capita shares in excess of \$2,000 and income above \$2,000 per year.
3. Rehabilitation Act of 1973 (PL 93-112): The W-2 agency must disregard wages, allowances or reimbursements for transportation or personal assistance services costs paid to reasonably accommodate an employee, such as a vehicle modification made to accommodate a disability or a payment by DVR to support a rehabilitation plan.
4. AFDC Exclusion from Income (PL 97-248): The W-2 agency must exclude payments if made without Federal Financial Participation (FFP) and under a state program continuously in effect since before January 1, 1979.
5. Child Support Income. See 3.2.7.3.

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3.3.0 \$2,500 GROSS ASSET TEST

The entire W-2 group's assets must be equal to or less than \$2,500 in combined equity value to be considered for an employment position, a Job Access Loan and Case Management Only. (Exception: Minor parents are eligible for case management only without regard to income or assets.)

3.3.1 Changing Estimated Assets

If the group's assets are expected to exceed the \$2,500 for at least two consecutive months, the group is ineligible for W-2. Participants must report any change in assets within 10 calendar days of the occurrence. However, the FEP must enter only changes in assets over \$100 when notified. At review, the FEP must incorporate all changes in assets.

EXAMPLE: Carolyn received her tax refund of \$2,505 on April 16th. She expects to use most of the money for past bills and other living expenses. She may continue in her Trial Job employment position as it is not expected that her assets will remain over the \$2,500 limit for two consecutive months. The agency may ask Carolyn to send in her bank statement both months to check if she is over the asset limit for two consecutive months.

3.3.2 Counting Assets

The equity value of all assets not specifically disregarded by these instructions must be counted. Equity value is the wholesale value or a value estimated by a sales representative at a local business minus any encumbrances that are legal debts.

EXAMPLE: Susan purchased a rare coin collection valued at \$5,000. But she has a legal debt against the collection in the amount of \$3,000, so the value of \$2,000 may be counted for the asset test.

3.3.3 Availability

Only assets that are actually available for use may be counted. An asset is available if the person has a legal interest in it and has the legal ability to make it available for support and maintenance. An asset is unavailable when the individual can reasonably document that it cannot be accessed for 31 or more days. A payment may not be counted as an asset and income in the same month. Count income in the month received and any amount remaining as an asset in the following month.

3.3.4 Qualified Alien Deeming

See Qualified Alien Deeming policy for income.

3.3.5 Joint Accounts and Property

Equal shares of jointly held accounts and property should be deemed available to each person whose name is listed as an owner.

3.3.6 Homestead

The value of one home that serves as homestead for the W-2 group must be disregarded. The W-2 group must be living in the home and using the home as his or her primary residence.

Homestead is defined as an abode and lands used or operated in connection with it. In urban situations, the homestead usually consists of a house and lot. A home can consist of a house and more than one lot as long as the lots adjoin one another.

In farm situations, the home consists of the house and buildings together with the total acreage property upon which they are located and which is considered part of the farm. In situations where the land is on both sides of a road, it is still considered a part of the home.

3.3.7 Vehicles

A vehicle is:

1. A passenger car or other motor vehicle;
2. Used to transport persons or goods; and
3. Owned by someone in the W-2 group.

The first \$10,000 of combined equity value of the W-2 group's vehicles must be disregarded. Any equity value amount over \$10,000 must be counted as an asset to be tested against the \$2,500 limit for the asset test.

Equity value is the wholesale value as given in a standard guide on motor vehicles or the value as estimated by a sales representative at a local car dealership, minus any encumbrances that are legal debts. A vehicle's equity value must not be increased by adding value for low mileage or items such as optional equipment or apparatus for the disabled.

EXAMPLE: A vehicle has a market value of \$6,700. However, there is a lien recorded on the title for an outstanding amount of \$4,000. The equity value of the vehicle is \$2,700 ($6,700 - 4,000 = 2,700$).

The vehicles listed below with a "No" must not be counted in the asset test.

| Common Vehicles | Asset |
|----------------------|-------|
| Nonmotorized Camping | No |

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| Common Vehicles | Asset |
|--|-------|
| Trailer | |
| Trailer Home | No |
| Moped | Yes |
| Motorized Golf Cart | Yes |
| Motorized Boat | Yes |
| Nonmotorized Boat | No |
| Nonmotorized, Nonfarm Livestock Trailer | No |
| Junk Car | Yes |
| Airplane | Yes |
| Snowmobile | Yes |
| Motorcycle - any number of wheels | Yes |
| Motorized Riding Garden Mower | No |
| Log-skidder | No |
| Farm Truck, Tractor, or Other Farm Vehicle used directly to produce income | No |
| Farm Tractor - Nonfarm Use | Yes |

3.3.8**Other Assets**

Household and personal effects are exempt unless they are of unusual value.

3.3.9**Individual Development Accounts**

Individual Development Accounts (IDAs) are designed to help low-income people accumulate assets which will help them avoid long term poverty. In an IDA program, an eligible individual signs a savings agreement with a participating agency to save earned income for a specified purpose. The participant's savings are put in a segregated bank account and matched with program funds. The savings and match can only be withdrawn and used for purposes specified in the program.

IDAs can be funded by three sources: Office of Community Services under the Assets for Independence Act (AFIA), Office of Refugee Resettlement (ORR) and using Community Reinvestment (CR) funds or other TANF funds.

The match funds reserved for a participant in any IDA account, and the accrued interest for the participant's savings and the match, are not available to the participant and, therefore, are disregarded as assets for W-2 eligibility.

The participant's contributions to an IDA funded by the ORR program are not disregarded as assets for W-2 eligibility. If a W-2 agency uses AFIA, Community Reinvestment or other TANF funds to establish IDAs, the participant's savings in those IDAs are disregarded as an asset for W-2 eligibility.

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| W-2 | AFIA Funded IDA | TANF/CR Funded IDA | ORR Funded IDA |
|---|---|---|---|
| Participant contributions | Disregarded | Disregarded | Not disregarded |
| Match funds and accrued interest | Disregarded because it is considered not available | Disregarded because it is considered not available | Disregarded because it is considered not available |